

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT SHEEHY and SANDRA SHEEHY,
et. al.

Plaintiffs,

v.

ORDER
02-CV-592A

MARY ANN WEHLAGE, et. al.

Defendants.

Plaintiffs commenced this action against defendants Mary Ann Wehlage, Allegany County Society for Prevention of Cruelty to Animals, Dr. Robert McNeill, D.V.M., and Lakewood Veterinary Service. The defendants moved to dismiss the complaint on various grounds. On January 29, 2007, Magistrate Judge Hugh B. Scott, to whom this matter was referred, issued a report and recommendation recommending that the defendants' motion to dismiss the complaint be granted. See Dkt. No. 236. Plaintiffs moved for an extension of time to file objections to the report and recommendation. On March 1, 2007, this Court granted that motion and ordered that plaintiffs' objections be filed on or before March 8, 2007.

In the meantime, on February 20, 2007, Magistrate Judge Scott

ordered the plaintiffs to pay the following discovery sanctions: (1) \$2,920.20 to defendants Mary Ann Wehlage and Allegany County Society for the Prevention of Cruelty to Animals; and (2) \$2,080.00 to defendants Dr. McNeill and Lakewood Veterinary Service. The Magistrate Judge ordered that those sanctions be paid within 14 days of his February 20, 2007 order. See Dkt. No. 244.

On March 6, 2007, the day that the discovery sanctions were due to be paid, the plaintiffs filed a motion to stay Magistrate Judge Scott's sanctions order. Plaintiffs also request an opportunity to supplement the record.

On March 7, 2007, plaintiffs filed a *pro se* motion seeking to have their counsel relieved of representation on the grounds of "attorney misconduct" and "ineffective assistance." See Dkt. No. 247. Plaintiffs also requested an additional 90 days to file objections to Magistrate Judge's Scott's January 29, 2007 report and recommendation. On that same date, counsel for plaintiffs filed a motion to withdraw. See Dkt. No. 246.

With regard to the motions to permit plaintiffs' counsel to withdraw, those motions are granted. Additionally, the Court hereby grants the plaintiffs an additional **30 days** to file their objections to Magistrate

Judge Scott's January 29, 2007 report and recommendation.¹ No further extensions will be granted. Plaintiffs must either obtain new counsel to file objections by that date or file their objections *pro se*. If no objections are filed by April 16, 2007, the Court will deem the matter submitted and will conduct a *de novo* review of the report and recommendation.

Further, the Court hereby grants the plaintiffs motion to stay enforcement of Magistrate Judge Scott's discovery sanctions order (Dkt. No. 244) pending resolution of the summary judgment motions. However, plaintiffs' motion to supplement the record – to include evidence that was not presented to the Magistrate Judge in the first instance -- is denied.

To summarize, the motions to withdraw (Dkt. Nos. 246, 247) are granted in part and denied in part. Plaintiffs shall file their objections to Magistrate Judge Scott's report and recommendation by **April 16, 2007**. Plaintiffs' motion to stay enforcement of Magistrate Judge Scott's discovery sanctions order is granted, but their request to supplement the record is denied (Dkt. No. 245).

¹ Plaintiffs request for an additional 90 days is denied.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 14 , 2007